



# The Gazette of India.

PUBLISHED BY AUTHORITY.

DELHI, SATURDAY, APRIL 1, 1922.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 25th March, 1922 :—

No. 16 of 1922.

*A Bill further to amend the Criminal Tribes Act, 1911.*

II of 1911. WHEREAS it is expedient further to amend the Criminal Tribes Act, 1911; It is hereby enacted as follows :—

1. This Act may be called the Criminal Tribes (Amendment) Act, 1922.  
Short title.

II of 1911. 2. In section 2 of the Criminal Tribes Act, 1911 (hereinafter referred to as the said Act),—  
Amendment of section 2, Act III of 1911.

(a) after clause (1) the following clauses shall be inserted, namely :—

“(1A) ‘district’ includes a Presidency-town and the town of Rangoon ;

(1B) ‘District Magistrate’ means, in the case of a Presidency-town or the town of Rangoon, the Commissioner of Police ;” and

(b) after clause (2) the following clause shall be inserted, namely :—

“(2A) ‘Superintendent of Police’ means, in the case of a Presidency-town or the town of Rangoon, any

officer appointed by the Local Government to perform the duties of a Superintendent of Police under this Act.”

3. In section 4 of the said Act the words Amendment of “or of any part thereof” section 4, Act III of 1911 shall be omitted.

4. In section 5 of the said Act,—  
Amendment of section 5, Act III of 1911.

(a) for the words “a notice” the word “notice” shall be substituted ;

(b) the words “or of such part thereof as is directed to be registered” shall be omitted ; and

(c) in the proviso the words “or part thereof” shall be omitted, and after the word “registration” the words “and may cancel any such exemption” shall be added.

5. In section 13 of the said Act, after the word Amendment of sec- “settled” the following tion 13, Act III of 1911 shall be added, namely :—

“and any officer empowered in this behalf by the Local Government may, by

order in writing, vary any such notification by directing the restriction of such criminal tribe to another area, or, as the case may be, its settlement in another place, in the same district."

6. After section 13 of the said Act, the following section shall be inserted, namely :—  
Insertion of new section 13A in Act III of 1911.

"13A. Any notification made by the Local Government under section 11 or section 13 may specify as the area to which the criminal tribe shall be restricted or as the place in which it shall be settled, an area or place situated in any other province, provided that the consent of the Local Government of that province shall first have been obtained."

7. For section 15 of the said Act, the following section shall be substituted, namely :—  
Substitution of new section for section 15, Act III of 1911.

"15. (1) Where a criminal tribe is restricted in its movements to an area, or is settled in a place of residence, situated in a province other than that by the Local Government of which the notification under section 3 relating to such criminal tribe was issued, all the provisions of this Act and the rules made hereunder shall apply to the criminal tribe as if the notification had been issued by the Local Government of such other province.

(2) If a criminal tribe, having been registered under section 4 in any district, is restricted in its movements to an area, or is settled in a place of residence, situated in another district, (whether in the same province or not), the register or any relevant entries or entry therein shall be transferred to the Superintendent of Police of the last-mentioned district, and all the provisions of this Act and the

rules made hereunder shall apply as if such criminal tribe had been registered in that district, and the District Magistrate of that district shall have power to cancel any exemption granted under section 5."

8. In section 16 of the said Act, the words "or any part thereof" shall be omitted.  
Amendment of section 16, Act III of 1911.

9. In section 18 of the said Act,—

Amendment of section 18, Act III of 1911.

- (a) after the words "Local Government" the words "or any officer authorised by it in this behalf" shall be inserted; and
- (b) in clause (2) the word "like" shall be omitted.

10. In sub-section (2) of section 22, after the word and figures "section 20" the words "may be arrested without warrant and" shall be inserted.  
Amendment of section 22, Act III of 1911.

11. After section 27 of the said Act, the following sections shall be inserted, under the heading "Supplemental", namely :—  
Insertion of new sections 27A and 27B in Act III of 1911.

"27A. The Local Government, if it is satisfied that adequate provision has been made by the law of any State in India for the restriction of the movements or the settlement in a place of residence of persons such as are referred to in section 8, may, with the consent of the Prince or Chief of that State, direct the removal to that State of any criminal tribe for the time being in the province, and may authorise the taking of all measures necessary to effect such removal.

27B. The references to a criminal tribe in sections 4, 5, 11, 13, 14, 15, 16, 17 and 27A, shall be deemed to be references to a criminal tribe or any part thereof."  
References to a criminal tribe to include references to part thereof in certain cases.

## STATEMENT OF OBJECTS AND REASONS.

In December 1919 a conference was held at Delhi, attended by representatives of the Provinces of British India and of Indian States, to consider the future administration of the Criminal Tribes Act, 1911 (III of 1911). The provisions of the Act were examined in detail and a number of amendments were recommended by the conference. These recommendations were examined by the Government of India, and the amendments proposed by them were referred to Local Governments for opinion. They have now been re-examined by the Government of India in the light of the opinions of the Local Governments, and the final conclusions are embodied in the draft Bill.

2. A number of the amendments are merely formal or are designed to remove minor defects which experience of the working of the Act has brought to light. It is not necessary to explain these in detail. The changes of substance which it is proposed to include are dealt with individually in the following paragraphs.

3. *Clause 2 of the Bill.*—The object of this clause is to extend the application of the Act to the Presidency-towns and to Rangoon. The necessity for this amendment was urged by the Government of Bengal as far back as 1914, when they complained that the Act provided no machinery for the registration of the criminal tribes residing in a Presidency-town, and the proposal is strongly supported by the other Local Governments concerned.

4. *Clause 5 of the Bill.*—Under section 18 of the Act, as it stands at present, the orders of the Local Government are required before a criminal tribe or part thereof which has been restricted to or settled in a specified area by a notification under section 11 can be moved to another area. It has been represented that this causes inconvenience, both from the point of view of those who have to administer the Act, and from the point of view of the members of the criminal tribes themselves, who not infrequently desire to move with the object of visiting relatives or of bettering their chances of employment. It has been suggested that the local authorities should be authorised to transfer criminal tribes or members thereof within the same district, and clause 5 (read with the new section 27B which it is proposed to insert by clause 11 of the Bill) is intended to give effect to this suggestion.

5. *Clause 6 of the Bill.*—The object of this clause is to provide for the transfer of a criminal tribe from one province to another. Cases in which it is desirable that there should be such power are—

- (a) cases where a Local Government finds it necessary to notify a tribe which has wandered into its jurisdiction from the province to which it really belongs; and
- (b) cases where employment is found for a criminal tribe in a province other than that in which it has been notified. The clause provides that this power shall not be exercised save with the consent of the Local Government of the province to which the tribe is to be transferred.

6. *Clause 7 of the Bill.*—The main object of this clause is to provide that the provisions of the Act shall apply to a tribe which has been transferred to another province in exercise of the power which it is proposed to confer by clause 6.

7. *Clause 9 (a) of the Bill.*—This clause is intended to effect a delegation of power similar to that provided for in clause 5. Great inconvenience is caused by the necessity of referring to the Local Government any case in which it is proposed to take action under section 18 of the Act. Provision is made for the delegation of powers under that section to the local authorities.

8. *Clause 10 of the Bill.*—The object of this clause is to authorise the arrest without a warrant of members of criminal tribes who commit offences punishable under section 22 (2) of the Act. A recommendation to this effect was made by the conference, and the suggestion has been accepted by the Local Governments.

9. *Clause 11 of the Bill.*—The intention of this clause is to add two new sections to the Act as 27A and 27B. The proposed new section 27B is formal, and provides that the term "criminal tribe" shall include any part of such tribe. The object of the proposed new section 27A is to provide for the transfer of criminal tribes from British India to Indian States. It is considered desirable, for the reasons for which it is proposed that provision should be made for transfer from one province to another, that there should also be provision for transfer from British India to Indian States and *vice versa*. The Act, being an enactment of the Indian Legislature, can of course provide only for transfer from British India. It will be observed that the proposed new section is permissive in form and that it allows transfer only to States in which the Local Government is satisfied that adequate provision has been made for the restriction or settlement of criminal tribes.

W. H. VINCENT.

The 11th March, 1922.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.



GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 27th March, 1922 :—

No. 17 OF 1922.

*A Bill further to amend the Cantonments (House-Accommodation) Act, 1902.*

II of 1902. WHEREAS it is expedient further to amend the Cantonments (House-Accommodation) Act, 1902; It is hereby enacted as follows :—

1. This Act may be called the Cantonments (House-Accommodation) Amendment Act, 1922.

II of 1902. 2. (1) In sub-section (1) of section 2 of the Amendment of section 2, Act II of 1902. Cantonments (House-Accommodation) Act, 1902 (hereinafter referred to as the said Act),—

(a) for clauses (b) and (c) the following clauses shall be substituted, namely :—

“(b) ‘Brigade area’ means one of the Brigade areas, whether occupied by a brigade or not, into which India is for military purposes for the time being divided, and includes any area which the Governor General in Council may, by notification in the Gazette of India, declare to be a Brigade area for all or any of the purposes of this Act;

(bb) ‘Command’ means one of the Commands into which India is for military purposes for the time being divided, and includes any area which the Governor General in Council may, by notification in the Gazette of India, declare to be a Command for all or any of the purposes of this Act;

(c) ‘Commanding Officer of the cantonment’ means the officer for the time being in command of the forces in a cantonment;

(cc) ‘District’ means one of the Districts into which India is for military purposes for the time being divided; it includes a Brigade area which does not form part of any such District and any area which the Governor General in Council may, by noti-

fication in the Gazette of India, declare to be a District for all or any of the purposes of this Act”;

(ii) in clause (e) for the word “Division” the word “District” shall be substituted; and

(iii) for clause (g) the following shall be substituted, namely :—

“(g) a house is said to be in a state of reasonable repair when—

(i) all floors, walls, pillars and arches are sound and all roofs sound and water-tight,

(ii) all doors and windows are intact, newly painted or oiled, and provided with proper locks or bolts or other secure fastenings, and

(iii) all rooms, out-houses and other appurtenant buildings are newly colour-washed or white-washed.

*Explanation*—For the purposes of clause (e) the expression ‘military duty in a cantonment’ includes absence not exceeding six months on privilege leave or on temporary detached duty or field service.”

(2) In sub-section (2) of the same section, after the words “Cantonment Magistrate” the words “or such other person as the Local Government may appoint in this behalf” shall be inserted.

3. In section 5 of the said Act, for the words “subject to the provisions hereinafter contained to appropriation at any time for occupation by a military officer”, the words “to appropriation by the Government on a lease in the manner hereinafter provided” shall be substituted

4. For section 6 of the said Act the following Substitution of new section for section 6, Act II of 1902. shall be substituted, namely :—

“6. (1) Where the Cantonment Authority considers that the liability imposed by section 5 should be enforced for the purpose of Requisition to lease houses for occupation by military officers.

of securing accommodation for a military officer or for military officers, it may, with the previous sanction of the Officer Commanding the District, by notice—

- (a) require the owner to execute a lease of the house to the Government for a specified period which shall not be less than five years;
- (b) require the existing occupier to vacate the same; and
- (c) require the owner within a specified time to put the house into a state of reasonable repair.

(2) Every notice issued under sub-section (1) shall state the amount of the annual rent proposed as reasonable for the house

(3) The following shall be deemed to be conditions of every lease executed under sub-section (1), namely:—

- (a) if a rent has not been fixed by agreement before the execution of the lease, that the rent shall be such as may thereafter be fixed under the provisions of this Act; and
- (b) that the house shall on expiration of the lease be re-delivered to the owner in a state of reasonable repair."

**5. Section 7 of the said Act is hereby repealed.**

Repeal of section 7,  
Act II of 1902.

**6. For section 8 of the said Act the following Substitution of new section shall be substituted, section for section 8, Act II of 1902. namely:—**

"8. The Officer Commanding the District shall Procedure to be not sanction the issue of any observed before taking notice under section 6 unless a house on lease. he is satisfied—

- (i) that the house in respect of which it is proposed to issue the notice is suitable for occupation by a military officer, and
- (ii) that there is not in the cantonment, or, if this Act is in force in a part only of the cantonment, then in that part thereof, a sufficient number of houses suitable for occupation by military officers whose residence in the cantonment, or a part thereof, as the case may be, is necessary or expedient."

**7. Section 9 of the said Act is hereby repealed.**

Repeal of section 9,  
Act II of 1902.

**8. (1) In sub-section (1) of section 10 of the said Act,—**  
Amendment of section 10, Act II of 1902.

- (i) after the word "administration" the words "a club, or a company or firm engaged in business" shall be inserted; and
  - (ii) for the word "Division" the word "District" shall be substituted.
- (2) Sub-section (2) of the same section shall be omitted.

**9. In section 11 of the said Act,—**

Amendment of section 11, Act II of 1902.

- (i) in clause (a) for the words "the sanction required by" the words "any sanction given under" shall be substituted;
- (ii) in clause (b) after the word "administration" the words "or by a club or by a company or firm engaged in business" shall be inserted; and
- (iii) in clause (d) for the word "Division" the word "District" shall be substituted.

**10. In section 12 of the said Act,—**

Amendment of section 12, Act II of 1902.

- (i) in sub-section (1) for the words "the proposed tenant" the words "the Cantonment Authority" shall be substituted;
- (ii) in sub-section (2) the words and figure "or section 7" shall be omitted; and
- (iii) the following sub-section shall be added, namely:—

"(c) Where a notice has been issued under section 6 and the house has been vacated in pursuance thereof, the lease shall be deemed to have commenced on the date on which the house was so vacated"

**11. (1) Section 13 of the said Act shall be re-numbered as sub-section 13, Act II of (1) of section 13, and in that sub-section as re-numbered—**

- (i) for the words "the proposed tenant" the words "the Cantonment Authority" shall be substituted;
- (ii) the words and figure "or section 7" shall be omitted; and
- (iii) for the words "the Cantonment Magistrate" the words "District Magistrate" shall be substituted.

(2) To the same section the following sub-section shall be added, namely:—

"(2) If, when possession is given in pursuance of a notice issued under section 6 or is taken under sub-section (1), the house is not in a state of reasonable repair, the Cantonment Authority may cause to be executed any work necessary for the purpose of putting the house into such a state, and may deduct the cost thereof from the rent."

**12. In section 14 of the said Act,—**

Amendment of section 14, Act II of 1902.

- (i) in sub-section (1) the words and figure "or section 7" and the words "to the military officer in whose behalf the notice was issued, or" shall be omitted; and
- (ii) in sub-section (2)—

(a) the words "such military officer or" shall be omitted;

(b) before the word "amount" the words "question of the" shall be inserted; and

(c) for the words "determined by" the words "referred to" shall be substituted.

13. In section 15 of the said Act,—

Amendment of section 15, Act II of 1902.

(i) sub-section (1) shall be omitted, and sub-sections (2), (3) and (4) shall be re-numbered (1), (2) and (3), respectively;

(ii) in sub-section (1), as re-numbered, the words and figure "or section 7" shall be omitted, and for the words "for the rent payable under this Act, or, if no rent is so payable, for the rent fixed by the registered lease" the following shall be substituted, namely :—

"for the rent fixed by the registered lease instead of the rent payable under this Act if the rent so fixed exceeds the rent so payable"; and

(iii) in sub-section (2), as re-numbered, the words and figure "or section 7" shall be omitted.

14. Sections 16 and 17 of the said Act are hereby repealed.

Repeal of sections 16 and 17, Act II of 1902.

15. In section 18 of the said Act,—

Amendment of section 18, Act II of 1902.

(a) in sub-section (1) for the words and figure "in accordance with section 9" the words and figure "issued under section 6" shall be substituted; and

(b) sub-section (3) shall be omitted.

16. Sections 19, 20, 21 and 22 of the said Act are hereby repealed.

Repeal of sections 19 to 22, Act II of 1902.

17. In section 23 of the said Act, for the words "Cantonment Magistrate" the words "Cantonment Authority" shall be substituted.

Amendment of section 23, Act II of 1902.

18. In section 25 of the said Act, the words and figures "section 19 or section 21," the letter and brackets "(a)", the word "or" where it first occurs, and clauses (b) and (c) shall be omitted; and for the word "monthly" the words "the annual" shall be substituted.

Amendment of section 25, Act II of 1902.

19. Section 26 of the said Act is hereby repealed.

Repeal of section 26, Act II of 1902.

20. In sub-section (2) of section 27 of the said Act, for the words "Cantonment Magistrate" the words "Cantonment authority" shall be substituted.

Amendment of section 27, Act II of 1902.

21. For section 28 of the said Act, the following Substitution of new section shall be substituted, namely :—  
Act II of 1902.

"28. (1) Every Committee of Arbitration shall consist of—  
Constitution of Committee of Arbitration.

(a) a chairman, who shall be the District Magistrate or a Magistrate subordinate to and nominated by him;

(b) two members nominated by the Commanding Officer of the cantonment, one of whom shall, if possible, be an officer of the Military Works Services; and

(c) two members nominated by the owner concerned, who shall be persons ordinarily resident, and liable to pay taxes, in the cantonment.

(2) If the Commanding Officer of the cantonment or the owner fails without reasonable cause to nominate two members within seven days from the date on which he may be called upon to do so, or if any member who has been nominated neglects or refuses to act, and the Commanding Officer of the cantonment, or the owner, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called upon to do so, the District Magistrate shall forthwith appoint a member or members, as the case may be, to fill the vacancy or vacancies."

22. In sub-section (2) of section 29 of the said Act, for the words "the officer" the words "the Commanding Officer of the cantonment," shall be substituted.

23. In section 30 of the said Act, for the words "Cantonment Magistrate", in both places where they occur, the words "Cantonment Authority" shall be substituted.

24. In section 32 of the said Act, the words and figure "or section 7, as the case may be," shall be omitted.

25. In section 33 of the said Act, the words "Subject to the presumption mentioned in the first explanation to section 8" shall be omitted, and for the word "monthly" the words "the annual" shall be substituted.

26. In section 34 of the said Act,—

Amendment of section 34, Act II of 1902.

(a) in sub-section (1) for the word "one" the word "three" shall be substituted; and

(b) sub-section (3) shall be omitted.

27. In Chapter IV of the said Act, after section 34 the following section shall be inserted, namely :—

"34A. (1) If the Commanding Officer of the cantonment or the owner is dissatisfied with any decision of a Committee of Arbitration, he may within one Appeal to Civil Court.

month from the date of such decision appeal to the principal Civil Court having original civil jurisdiction in the cantonment, and the decision of such Court shall be final.

(2) A Civil Court hearing an appeal under this section shall, so far as may be, follow the same procedure and have the same powers as it follows and has when hearing an appeal under the Code of Civil Procedure, 1908."

V of 1908.

**28.** In sub-section (1) of section 35 of the Amendment of section 35, Act II of 1902.

(i) for the words and figures "is aggrieved by a notice issued under section 6 or section 7" the words "objects to any requirement contained in a notice issued under section 6" shall be substituted; and

(ii) for the words "Officer Commanding the Division" the following shall be substituted, namely:—

"Officer Commanding the District or, where that officer is the Commanding Officer of the cantonment, to the General Officer in Chief, the Command."

**29.** In section 36 of the said Act,—

Amendment of section 36, Act II of 1902.

(i) in sub-section (2)—

(a) for the words "Cantonment Authority" the words "Commanding Officer of the cantonment" and for the words

"that Authority" the words "that Officer" shall be substituted; and

(b) for the words "Officer Commanding the Division" the following shall be substituted, namely:—

"Officer Commanding the District or, where that officer is the Commanding Officer of the cantonment, to the General Officer in Chief, the Command; and

(ii) In sub-section (3), for the word "Division" in both places where it occurs the word "District" shall be substituted, and for the words "Cantonment Authority" the words "Commanding Officer of the cantonment" shall be substituted.

**30.** In section 37 of the said Act, for the words "Officer Commanding the Division" the words "Officer Commanding the District or of the General Officer in Chief, the Command, as the case may be," shall be substituted.

**31.** Section 39 of the said Act is hereby repealed.  
Repeal of section 39, Act II of 1902.

**32.** In section 40 of the said Act, for the words "who is absent from the cantonment" the words "who does not reside in or near the cantonment" shall be substituted, and for the words and figures "under section 226 of the Cantonment Code, 1899," the words and figures "in accordance with any rules made under the Cantonments Act, 1910," shall be substituted.

XV of 1910.



## STATEMENT OF OBJECTS AND REASONS.

The Committee which was appointed in the winter of 1920-21 to enquire into and make recommendations in regard to the administration of cantonments recommended *inter alia* that the Cantonments House Accommodation Act should be revised, so as to remove certain defects which have been brought to light and to carry out more fully the intention of the Act, namely, the better provision of house accommodation for military officers in cantonments. These recommendations have now been examined by the Government of India, whose conclusions are embodied in the draft Bill.

2. A number of the amendments are designed merely to bring the Act up to date by specifying, in place of the authorities by whom the Act is at present administered, other authorities recently constituted, e.g., District Commanders in lieu of Divisional Commanders.

3. The principal changes of substance which the Bill seeks to introduce are, *firstly*, to substitute for the procedure under which houses are liable to be appropriated for use, on a monthly tenancy, by military officers holding direct from the house-owner, a procedure under which Government will take such houses as may be required on a repairing lease for a term of at least 5 years and will allot the houses so leased to officers requiring accommodation. Under this procedure officers will become the tenants of Government, who alone will deal with the house-owners. *Secondly*, it is proposed to repeal those sections of the existing Act which provide for interference in the settlement of disputes between house-owners and individual tenants. If this Bill becomes law, individual officers will, as already explained, cease to be the direct tenants of house-owners. Where a military officer prefers to take a house by private agreement with a house-owner, and not from Government, it is considered that there is no justification for interference between the two parties in cases of dispute, which will in future be settled, as they would outside a cantonment, either by agreement between the parties or by recourse to the law courts. *Thirdly*, the Bill alters the constitution of Committees of Arbitration and provides for an appeal to the court against the decisions of such Committees.

4. The following notes deal briefly with the more important clauses of the Bill :—

*Clause 2.*—This clause substitutes a revised clause (1) (g) of section 2 on the Cantonments (House-Accommodation) Act, 1902, in order to provide for a definition of a 'state of reasonable repair'. This is necessitated in view of the proposal that houses should, in future, be taken by Government for a specified period on a repairing lease.

*Clause 4.*—This substitutes a new section for section 6 of Act II of 1902, providing for the introduction of the procedure described above, in lieu of the existing procedure under which houses are appropriated for the use of individual military officers. It also takes power to require a house-owner within a specified period to put the house into a state of reasonable repair, and makes provision for the fixing of the rent.

*Clause 5.*—repeals section 7 of Act II of 1902. As it is proposed that in future the normal procedure will be for Government to take houses and to allot them to any officer, departmental or regimental, who may require a house there is no need to retain this section.

*Clause 6.*—makes consequential amendments in section 8 of the Act

*Clause 7.*—repeals section 9 of the Act, which is no longer required, since this matter is provided for in the revised section 6, *vide* clause 4 of the Bill.

*Clause 8.*—adds certain institutions to those mentioned in section 10 (1) of the Act. It also repeals sub-section (2) of section 10 of the Act, and is in accordance with the recommendation of the Committee, which considered that this provision of law should be replaced by executive orders or regulations.

*Clause 10.*—The amendments made by this clause are partly consequential on the proposed change of procedure already referred to. A new clause (3) is added to section 12 of the Act, to remedy a defect in the existing Act.

*Clause 11.*—The amendments are mainly consequential. It is also proposed to substitute "District Magistrate" for "Cantonment Magistrate" as the authority which may enter on the premises and enforce the surrender of the house. A sub-section has been added, empowering the Cantonment Authority, if necessary, to put a house into a state of reasonable repair and to recover the cost of doing so from the owner.

*Clause 13.*—This clause repeals sub-section (1) of section 15 of the Act, which is no longer necessary in view of the fact that the revised section 6 will make the previous sanction of the Officer Commanding the District necessary in every case to the issue of a notice to a house-owner requisitioning his house on lease.

*Clauses 14, 16 and 19.*—These clauses repeal those sections of the existing Act which provide for interference in the settlement of disputes between individual officers and house-owners.

*Clauses 17, 20 and 23.*—These clauses provide for the substitution of "Cantonment Authority" for "Cantonment Magistrate" in sections 23, 27 and 30 of the Act. As the Cantonment Magistrate is the executive officer of the Cantonment Authority, it is considered preferable that these powers should be exercised by the Cantonment Authority itself and not by the Cantonment Magistrate.

*Clause 21.*—This clause provides for an enlargement of the constitution of Committees of Arbitration.

*Clause 27.*—This clause provides for the insertion of a new section allowing either party, which is dissatisfied with any decision of a Committee of Arbitration, to appeal to the principal Civil Court having original civil jurisdiction in the cantonment. This is in accordance with the recommendations of the Committee.

G. FELL

*The 24th March, 1922.*

— — —  
H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 28th March, 1922 :—

No. 18 of 1922.

*A Bill to amend the Charitable and Religious  
Trusts Act, 1920.*

WHEREAS it is expedient to amend the Charitable and Religious Trusts Act, 1920; It is hereby enacted as follows :—

1. This Act may be called the Charitable and Religious Trusts (Amendment) Act, 1922.

~~2. In section 2 of the Charitable and Religious Trusts Act, 1920, after the words "the Court of the District Judge", the words "or any other Court empowered in that behalf by the Local Government" shall be inserted.~~

---

STATEMENT OF OBJECTS AND REASONS.

---

THE object of Act XIV of 1920 is to have a speedier and less costly remedy in cases in which either the direction of the Court is deemed necessary by trustees or rendering of account by trustees is sought for by persons interested in the Trust.

If jurisdiction to entertain applications under the Act is given only to District Courts in the Mofussal, the object of the Act will be frustrated. District Courts are often overburdened with work, both civil and criminal, original and appellate, and there may not be speedy disposals of such applications. Further, in most cases, the Trust properties are situate and the persons interested in the Trust live very far from the place where District Courts are located. In such cases, it is necessary to invest Courts of Subordinate Judges which exercise almost co-extensive jurisdiction with the District Courts with powers to entertain and deal with applications under this Act.

It cannot be argued that Subordinate Judges should not be given jurisdiction in this matter because they are now eligible to exercise more extensive powers under section 92 of the Code of Civil Procedure, 1908.

The object of the present Bill is to give jurisdiction to Courts of Subordinate Judges also to entertain and deal with applications under the Act in case they are empowered in that behalf by the Local Government.

SIMLA ;  
The 6th September, 1921.

M. G. MUKUNDARAJA.

---

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee appointed to consider the amendment of the Council of State Standing Orders, was presented to the Council of State on the 28th March, 1922 :—

We, the undersigned members of the Select Committee to which the draft amendments of the Standing Orders proposed by the Honourable Mr. Kale were referred, have the honour to make the following report.

2. We have unanimously approved of the amendments proposed to Standing Orders 10, 18, 22, 23, 37, 39, 58 and 72.

3. *Standing Order 24.*—The Honourable Mr. Kale's proposal to prevent a count being made within half an hour of any previous count was the subject of considerable divergence of opinion. The opponents of this proposal were influenced by the fact that, if the presence of a quorum could not be challenged for so long a period as half an hour, very important decisions might be arrived at in a very thin House. Mr. Kale's supporters thought that the Standing Order might be used for purposes of obstruction unless the restriction proposed by him was provided for. Those who voted against this amendment were of opinion that inasmuch as the President, once the House has been made, is not obliged to accede to a demand for a count there was little reason to fear that the Standing Order could be utilised in this way. This led to a proposal that provision should be made in the Standing Order that the President should not be obliged to take a count if he was of opinion that the demand was made vexatiously or frivolously or for the purpose of prejudicially affecting the procedure of the Chamber; and further that it should be made clear that a count might be taken by the President either *suo motu* or on the motion of a member. The Committee has adopted these proposals and has drafted amendments on these lines.

4. *Standing Order 33*—The Honourable Mr. Kale's object here was to provide that the President might in accepting the closure preserve the mover's right of reply and the right of the Member of the Government concerned to wind up the debate, and incidentally Mr. Kale took the opportunity to attempt to remedy the defective drafting of sub-order (3) of this Standing Order. The Committee was divided in opinion on this question. Those who opposed Mr. Kale were influenced by the fact that there is no obligation on the President to accept the closure whenever it is moved, and they considered that the discretion which the Standing Order thus vests in the President was sufficient to safeguard any right of reply. They also thought that a rule which required the President in every case to exercise his discretion as to whether a right of reply should be allowed after the closure or not, might tend to place him in a somewhat invidious position. Mr. Kale's supporters relied on the arguments put forward by him in moving that the amendments be referred to a Select Committee. It was suggested that the Committee should propose an amendment giving a right of reply to the mover and to the Member of the Government in every case after the closure had been carried. This was rejected by a majority who considered here again that, in so far as the Members concerned were unable to look after their own interests in the matter, they were sufficiently safeguarded by the discretion which, as already pointed out, vests in the President. It was further suggested that on the carrying of the closure the President might take the sense of the House as to whether a right of reply should be given. This proposal was rejected on the ground that it is the duty of the Chair to protect the interests of minorities and that the right of reply should not be left to the decision of a majority. The Committee, therefore, decided to leave Standing Order 33 in substance as it is; but was of opinion that the drafting was capable of improvement and has proposed amendments to effect this.

5. *Standing Order 60.*—The Committee unanimously accepted the draft amendment to sub-order (1) of this order. The proposed amendment of sub-order (2) was discussed at some length. It was pointed out that the provision which would enable the President to permit authorisation might place him in a somewhat invidious position. It was also pointed out that the proposal might lend itself to abuse, in that it would enable a member who desires to take up more than his fair share of the time of the Council to induce several absentee members to put down resolutions for him and to obtain authority from them to move the resolutions in their behalf should they obtain a favourable place in the ballot. The Committee recognised that in the case of the sudden illness of the mover of a resolution it might be reasonable to enable another member to adopt the resolution as his own, but thought that this might work unfairly towards the Government, unless 3 or 4 days' notice was given of the substitution of one member for another. In view of the numerous and great difficulties involved in the provision of proper safeguards, the Committee decided that this amendment should be dropped.

6. We recommend that the amendments made by us be passed by the Council.

A. P. MUDDIMAN.  
M. B. DADABHOY.  
V. G. KALE.  
S. RAZA ALI.  
G. S. KHAPARDE.  
E. HOLBERTON.  
H. S. FORREST.  
H. MONCRIEFF SMITH.  
PHIROZE C. SETHNA.

*The 27th March, 1922.*

*Amendments in the Standing Orders proposed by the Select Committee.*

1. That in Standing Order 10 after the word "Secretary" the words "and signed by the Member giving notice" be inserted.
2. That in Standing Order 18 for the words "the Member to whom the question is addressed" the words "any Member" be substituted, and the words "on the ground of public interest" be omitted.
3. That in Standing Order 22 after the words "at 4 P.M." the following words be inserted, namely :—  

"or, if the President with the consent of the Member of Government concerned so directs, at any earlier hour at which the business of the day may terminate."
4. That in Standing Order 23 for the words "by 6 P.M." the words "within two hours" be substituted.
5. That for Standing Order 24 the following be substituted, namely :—  

"24 (1) If the President on a count, taken either on his own motion or on the demand of a member, at any time during a meeting ascertains that fifteen members are not present, he shall adjourn the Council till the next day on which it ordinarily sits.

(2) Nothing in sub-order (1) shall be deemed to require the President to take a count where he is of opinion that the demand therefor was made frivolously or for the purpose of obstructing or prejudicially affecting the procedure of the Council."
6. That in Standing Order 38—  

(a) at the end of sub-order (1) the words "and if that motion is carried the President shall put the question without amendment or debate" be added ;

(b) at the end of sub-order (2) the words "without amendment or debate" be added ; and

(c) sub-order (3) be omitted.
7. That in clause (b) of sub-order (1) of Standing Order 37 the words "composed of such Members of the Council as he may name in his motion" be omitted.
8. That in Standing Order 39—  

(a) to sub-order (1) the words "and it shall not be necessary to include their names in any motion for appointment of such a committee" be added ; and

(b) in sub-order (2) after the words "is made or" the words "in the case of a motion made by way of an amendment under clause (a) of sub-order (2) of Standing Order 38" be inserted.
9. That in clause (a) of the proviso to Standing Order 58 for the word "a" the words "subsequently one" be substituted.
10. That after sub-order (1) of Standing Order 60 the following proviso be inserted, namely :—  

"Provided that the Member may with the permission of the President authorise any other Member in whose name the same Resolution stands lower in the list of business to move it on his behalf and the Member so authorised may move accordingly."
11. That in Standing Order 72 for the words "Governor General" the word "President" be substituted.

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*

